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OCT 5 1973
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IN THE SUPREME COURT
OF THE UNITED STATES
October Term, 1973

No. 73 605

IRWIN HAL BOBROW,

Petitioner,

vs.

THE MUNICIPAL COURT OF THE
LOS ANGELES JUDICIAL DISTRICT,
COUNTY OF LOS ANGELES,

Respondent.

PETITION FOR WRIT OF CERTIORARI

R. RICHARD FUSILIER
Attorney at Law
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(213) 466-4525

Attorney for Petitioner

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1973

No._____

IRWIN HAL BOBROW,

Petitioner,

vs.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES,

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IN THE

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October Term, 1973

No._____

IRWIN HAL BOBROW,

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vs.

THE MUNICIPAL COURT OF THE
LOS ANGELES JUDICIAL DISTRICT,
COUNTY OF LOS ANGELES,

Respondent.

PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE SUPREME COURT OF THE UNITED STATES AND TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES THEREOF:

The petitioner, IRWIN HAL BOBROW, respectfully prays that a Writ of Certiorari issue

to review the judgment of the Supreme Court of the State of California entered in this proceeding on July 18, 1973.

OPINION BELOW

The Supreme Court of the State of California rendered no opinion and denied a hearing.

JURISDICTION

Petitioner's Petition for Hearing was denied by the Supreme Court of California on July 18, 1973. It is subject to no further review in a state tribunal. The decision is final. This court's jurisdiction is invoked under 28 U.S.C. 1257(3).

QUESTIONS PRESENTED

1. Whether multiple prosecution in different courts for closely related offenses arising out of one arrest and committed simultaneously is repugnant to the due process clause of the Fourteenth Amendment of the United States Constitution.

2. Whether an arrest for possession of marijuana in a vehicle and a multiple prosecution, one for a felony by the District Attorney of the County of Los Angeles on a charge of "possessing marijuana", and a subsequent prosecution for "driving under the influence" of marijuana, a misdemeanor, by the City Attorney of the City of Los Angeles, after disposition of the felony case by an admission of guilt, is contrary to the provisions of the double jeopardy clause of the Fifth Amendment of the United States Constitution.

STATEMENT OF THE CASE

Petitioner and a friend were driving a vehicle and were stopped by Highway Patrolmen. The patrolmen observed petitioner to have the symptoms of being under the influence of something. A search of petitioner's vehicle revealed marijuana behind the glove compartment and he was arrested.

On January 19, 1973, a felony complaint was issued by a branch office of the District Attorney of the County of Los Angeles, charging petitioner and his friend with possession of marijuana. On January 20, 1973, petitioner was arraigned on that felony charge in a West Los Angeles Branch of the Los Angeles Judicial District. On February 23, 1973, petitioner admitted his guilt and by the discretion of the court the case was disposed of by "Diversion"

under a California Penal Code Section. The matter was diverted until September 26, 1973, at which time the Probation Department of Los Angeles County will submit a progress report on the petitioner. When proceedings are diverted as in this felony case, if the defendant is convicted of any offense during the diversion period, the case is referred back and proceeds.

After arraignment on the felony matter, petitioner received notice by letter that a misdemeanor charge for "driving under the influence" had been filed by the office of the City Attorney of Los Angeles City. The trial court for the misdemeanor charge was a different court than the court appearance for the felony and the courts were many miles apart.

On March 19, 1973, petitioner made a motion to dismiss the misdemeanor complaint on the grounds of unnecessary harassment and multiple prosecution. Motion was denied. State Court of Appeal and State Supreme Court denied hearings.

REASONS FOR GRANTING THE WRIT

1. The due process guaranty of the Fourteenth Amendment of the United States Constitution bars a state from trying an accused more than once for multiple offenses which were committed simultaneously.

The court held in Hoag v. New Jersey, 356 U.S. 464, 78 S.Ct. 829, 2 L.Ed.2d 913, that the due process guaranteed by the Fourteenth Amendment requires that the state not be permitted to attempt "to wear the accused out by a multitude of cases with accumulated trials".

Here, in the instant case, the petitioner was arrested and charged with a felony arising from that arrest. He went to expense in time and money to dispose himself of his obligations for the crime charged but the matter was not disposed of completely as he wanted to do. Another prosecution agency, the law office of another governmental entity filed misdemeanor charges arising out of the same single arrest, using the same evidence and witnesses as necessary for the felony charge as there were two arrests made, the petitioner and his friend.

Petitioner submits that the filing of separate charges should have been made in one filing in the same court and to file in separate courts with different branches of the local governments is unnecessary harassment and causes great hardship on such unfortunate arrestees, financially, and the travel time involved because of the distances of the courts, as well as the added expense to the taxpayers for two trials rather than one.

To permit the multiple filings or subsequent filings as in this case in different and separate court locations is contrary to the due process clause and in practice permits

officers to inflict cruel and inhuman punishment or to harass arrestees to an unnecessary degree.

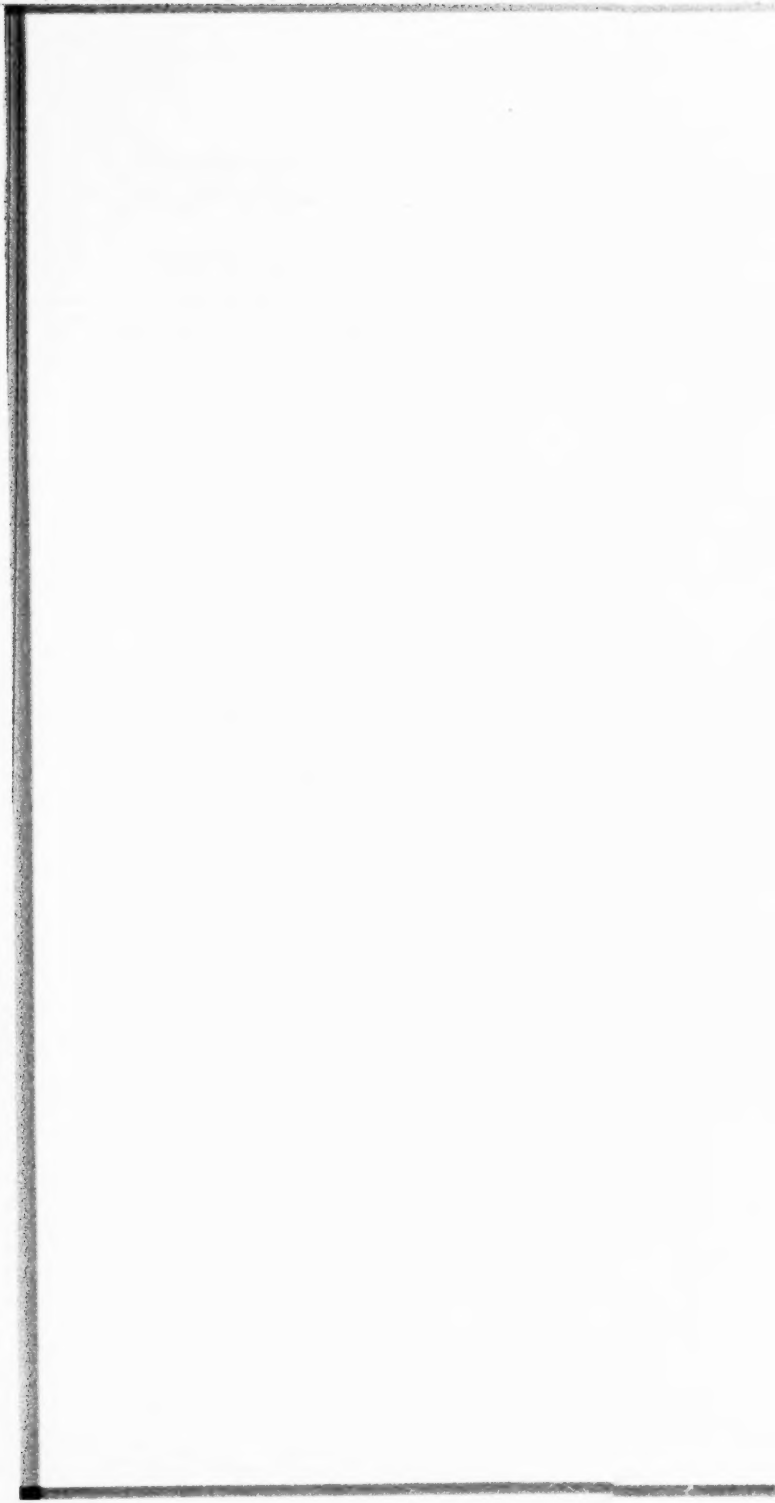
2. The decision of "hearing denied" below conflicts with interprelations of a state statute in light of the due process guaranty of the Fourteenth Amendment of the United States Constitution, as well as State court decisions.

Section 954, Penal Code of the State of California, provides:

> "An accusatory pleading may change two or more different offenses connected together in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate courts, and if two or more accusatory pleadings are filed in such cases in the same court, the court may order them to be consolidated. . ."

Here, the petitioner submits the Felony and Misdemeanor charged separately were in fact connected with each other and should have been filed as one case with two counts.

The California Penal Code Section 954 makes it possible, as it is practical, to have a defendant placed on trial at the same time and place with the same jury, on separate and distinct charges.



People v. Kelly, 203 Cal. 128, 263 P. 226.

The California Court said in Kellett v. Superior Court, 63 Cal. 2d 822, 48 Cal. Rptr. 366,

> ". . . by amendments of this section (954 P.C. supra) legislature has demonstrated its purpose to require joinder of related offenses in single prosecution, in addition to preventing harassment, such joinder avoids needless repetition of evidence and saves state and defendant time and money."

The United States Supreme Court, although affirming that conviction, clearly warned that prosecution of closely related individual offenses at separate trials may constitute an impermissable denial of that fundamental fairness required by the due process clause of the Fourteenth Amendment.

Ciucci v. Illinois, 356 U.S. 571, 78 S. Ct. 839.

Hoag v. New Jersey, supra

Abbate v. United States, 359 U.S. 187 79 S. Ct. 666

Petitioner submits that his multiple charges at separate trials in different courts located miles apart is unfair and needless harassment and a waste of public funds.

CONCLUSION

For these reasons, a Writ of Certiorari should issue to review the judgment of the Supreme Court of California.

Respectfully submitted,

R. RICHARD FUSILIER

Attorney for Petitioner

Supreme Court, U. S.
FILED
OCT 5 1973
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1973

No. 73-605

IRWIN HAL BOBROW,

Petitioner,

vs.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES,

Respondent.

ADDENDUM TO

PETITION FOR WRIT OF CERTIORARI

(LOWER COURT ORDERS)

R. RICHARD FUSILIER
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(213) 466-4525

Attorney for Petitioner

ORDER DUE
July 19, 1973

ORDER DENYING HEARING

AFTER JUDGMENT BY THE COURT OF APPEAL

2nd District, Division 3, Civil No. 42177

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

BODKIN

v.

MUNICIPAL COURT, LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES

Petition for hearing DENIED.

9th Oct 73

R Bauman

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPT. 70

Date: April 27, 1973
HONORABLE JOHN W. HOLMES JUDGE
Deputy Sheriff J. M. COLE
NONE . Deputy Clerk
. Reporter
(Parties and counsel checked if present)

55012 IRWIN HAL BOSKOW, Petitioner,
vs
MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, Respondent,

PEOPLE OF THE STATE OF CALIFORNIA, Real Party in Interest.

Counsel for petitioner: R. RICHARD FUSILIER
NONE

Counsel for Defendant

Statistical Code
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

NATURE OF PROCEEDINGS: PETN PROHIB

Petition for writ of prohibition is denied.

Counsel for petitioner and respondent court notified by U. S. mail.

April 27, 1973 Dept. 70

78M614OR - 10/69

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

IRWIN HAL BOBROW,

Petitioner,

v.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES,

Respondent,

PEOPLE OF THE STATE OF CALIFORNIA,

Real Party in Interest.

2d Civ. No. 42177

Mun. Ct., Los Angeles Judicial District No. V 276066

STAY ORDER

COURT OF APPEAL - SECOND DIST.
FILED
MAY 10 1973
CLAY ROBBINS, JR. Clerk
Deputy Clerk

THE COURT:

In order that this court may have an opportunity to consider the petition for writ of prohibition or mandate, IT IS ORDERED that all further proceedings including trial presently scheduled for May 14, 1973, in Division 66 of Municipal Court, Los Angeles Judicial District, in the matter entitled People of the State of California v. Irwin Hal Bobrow, Municipal Court, Los Angeles Judicial District, number V 276066, are stayed pending determination of this petition or until further order of this court.

Los Angeles, Cal. ....., 19....

TITLE { Bobrow
Mun. Ct. L.A. Jud. Dist. } No. 42177

THE COURT: Temporary stay terminated and petition for writ of prohibition and mandate denied.

CLAY ROBBINS, *Clerk*

11375-112 3-73 8M ⓒ OSP

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CLERK'S OFFICE
Court of Appeal
SECOND DISTRICT

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LOS ANGELES, CALIF. 90012

SIX CENT STAMP HERE

R. Richard Fusilier

7080 Hollywood Boulevard # 120

Hollywood 90028, *California*

VERIFICATION BY PARTY (446, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

I am the _____

_____

in the above entitled action; I have read the foregoing _____

_____

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

_____)

_____

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____ *(date)* *at* _____ *(place)*, *California*

_____

Signature

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

7080 Hollywood Blvd., Suite 120, Hollywood, California 90028

On October 12, 1973, *I served the within* ADDENDUM TO PETITION FOR WRIT OF CERTIORARI (LOWER COURT ORDERS)

on the RESPONDENT *in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at* Hollywood *addressed as follows:*

City Attorney, 2100 City Hall, 200 N. Spring St., Los Angeles, CA
Presiding Judge, Div.63, L.A.Municipal Court, 1945 S. Hill St., L.A.
Presiding Judge, Div.91, L.A. Municipal Court,1633 Purdue Ave.,W.L.A.
Clerk,Supreme Ct. of Calif.,1055 St. Bldg.,217 W.1st St., L. A., CA.
Clerk, Supreme Ct. of Cal., 4250 St. Bldg., San Francisco, CA.94102
L. A. Superior Ct., Appellate Dept., 111 N. Hill St., Los Angeles
Clerk, Court of Appeals, 2nd App. Dist., 217 W. 1st St., L. A., CA.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 12, 1973 *(date)* *at* Hollywood *(place)*, *California*

Subscribed and sworn to before me this 3rd day of October, 1973.

Louise B. Linn
Notary Public

R. Richard Fusilier
Signature
R. RICHARD FUSILIER

OFFICIAL SEAL
LOUISE B. LINN
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires May 24, 1974

7080 Hollywood Blvd., Suite 120, Hollywood, Ca. 90028

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SUPREME COURT, U. S.

FILED
DEC 29 1973
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1973
No. 73-605

IRWIN HAL BOBROW,

Petitioner,

vs.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES,

Respondents.

THE PEOPLE OF THE STATE OF CALIFORNIA,

The Real Party in Interest.

BRIEF OF THE REAL PARTY IN INTEREST IN OPPOSITION TO GRANTING OF WRIT OF CERTIORARI

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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1973

No. 73-605

IRWIN HAL BOBROW,

Petitioner,

vs.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES,

Respondents.

THE PEOPLE OF THE STATE OF CALIFORNIA,

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Attorneys for the Real Party in Interest

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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1973

No. 73-605

IRWIN HAL BOBROW,

Petitioner,

vs.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES,

Respondents.

THE PEOPLE OF THE STATE OF CALIFORNIA,

The Real Party in Interest.

BRIEF OF THE REAL PARTY IN INTEREST IN OPPOSITION TO GRANTING OF WRIT OF CERTIORARI

STATEMENT OF THE CASE

The petitioner was arrested on January 17, 1973. As a result of this arrest, a felony complaint was filed by the Los Angeles District Attorney's office against him and a co-defendant on January 19, 1973. On January 24, 1973 he was arraigned on the felony.

Pursuant to a written notice, sent to petitioner by the office of the Los

Angeles City Attorney, the petitioner appeared for arraignment on the present charge of Section 23105 of the Vehicle Code on February 22, 1973 in Division 63, Los Angeles Municipal Court. The arraignment was continued to March 19, 1973 for a motion to dismiss.

The following day, February 23, 1973, the petitioner returned to Division 91, Los Angeles Municipal Court, with regard to the felony charge. At that time, the petitioner was referred to the Los Angeles County Probation Department for possible diversion pursuant to Penal Code Sections 1000 et seq.

On March 19, 1973, the petitioner was diverted pursuant to Sections 1000 et seq. of the Penal Code in the felony case. The case was continued for six months, the petitioner waiving time for trial. The felony had not been dismissed; there has not yet been an acquittal or conviction and sentencing. The petitioner never pleaded guilty to the felony charge or any other charge.

Petitioner's statement on page 3 of the Petition that he admitted his guilt of

the felony charge on February 23, 1973 is false. The true facts are reflected in the copy of the docket sheet for the felony charge included in this brief.

After discovering that there was a misdemeanor charge, as well as the felony charge, pending against him, the petitioner never moved to consolidate the two cases.

ARGUMENT

I

THE SUPREME COURT OF THE UNITED STATES SHOULD NOT TAKE JURISDICTION TO REVIEW A JUDGMENT WHERE NO OPINION WAS DELIVERED BY THE HIGHEST STATE COURT

The Supreme Court of the State of California, the Court of Appeal of the State of California, and the Appellate Department of the Superior Court of Los Angeles County delivered no opinions in this case. Said appellate court therefore did not in any way pass upon any federal questions.

The appellate jurisdiction of the United States Supreme Court over a state

court cannot be based upon the supposed denial of a federal right which was not urged in the trial court or called to the attention of or decided by the state appellate court. Cincinnati, N.O. & T.P.R. Co. v. Slade, 216 U.S. 78, 54 L.Ed. 390.

Where the highest court of the state delivers no opinion and it appears that the judgment might have rested upon a non-federal ground, this Court will not take jurisdiction to review the judgment. Stembridge v. State of Georgia (1951) 343 U.S. 541, 547, 96 L.Ed. 1130, 72 S.Ct. 834.

II

THE DECISIONS OF THE CALIFORNIA SUPREME COURT AND COURT OF APPEAL AND THE SUPERIOR COURT OF LOS ANGELES COUNTY IS IN CONFORMITY WITH THE LAWS OF CALIFORNIA, STATE COURT DECISIONS AND THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

Petitioner contends that the Fourteenth Amendment requires that the state not be permitted to harass a defendant with multiple prosecutions arising out of the same set of circumstances. Petitioner

cites the California Supreme Court decision in Kellett v. Superior Court, 63 Cal.2d 822, 48 Cal.Rptr. 366 as authority for the fact that this has been recognized in California.

In support of his position as to what the constitutional standard is with regard to multiple prosecutions, petitioner cites three cases. Ciucci v. Illinois, 356 U.S. 571, 78 S.Ct. 839, 2 L.Ed.2d 983, and Abbate v. United States, 359 U.S. 187, 79 S.Ct. 666, 3 L.Ed.2d 729 were cases whose facts were substantially different from those of the present case. In both cases, the conviction being appealed from were affirmed. If these cases set the constitutional standard, then the standard set by Kellett v. Superior Court, supra, is much more restrictive.

Also cited by petitioner is Hoag v. New Jersey, 356 U.S. 464, 78 S.Ct. 829, 2 L.Ed.2d 913. As in the other two cases cited, the conviction was affirmed in Hoag. Furthermore, Hoag has in effect been overruled by the decision in Ashe v. Swenson, 397 U.S. 436, 90 S.Ct. 1189, 25 L.Ed.2d 469. Even the rule of Ashe is less

restrictive than that in Kellett. The petitioner has, therefore, no complaint if the present case was decided in conformity with Kellett, supra.

For reasons which will be apparent, this case does not present a situation where the petitioner was being unwillingly harassed by multiple prosecutions.

In discussing the rational behind Kellett, the court in People v. Hartfield, 11 Cal.App.3d 1073, 90 Cal.Rptr. 274, stated, "The rule against multiple prosecution found in Section 654 [Penal Code of California] is a procedural safeguard against harassment by the government of persons accused of crime." The court went on to point out that since, in that case as in ours, the defendant was aware of two separate prosecutions that should have been filed and tried together before either one went to trial, he should have moved to join the two cases. Not having done this, he cannot use a rule designed to prevent harassment to have one case dismissed when he ". . . could at any time have avoided any harassment by moving for consolidation of the charges pursuant to

Penal Code Section 954. . . ." (Page 1080.)

Any harassment due to the existence of two charges in different courts pending against the petitioner is only the result of the petitioner's own attempt to mislead the courts involved in the present matter. The procedural facts of the present case show that the petitioner was aware of the felony and present misdemeanor charge before he agreed on the diversion of the felony. It further shows that he never made a motion to consolidate the two cases. he has agreed to diversion and eventual dismissal on a case that should not have been diverted and he seeks to have the misdemeanor dismissed because of the improper diversion.

This situation arose due to the fact that there are two prosecutorial agencies involved and the only one who knew what the two agencies were doing was the petitioner.

It is just such a situation that Kellett speaks about on page 827 where the court said:

> "We recognize that in many places felonies and misdemeanors

are usually prosecuted by different public law offices and that there is a risk that those in charge of misdemeanor prosecutions may proceed without adequately assessing the seriousness of a defendant's conduct or considering whether a felony prosecution should be undertaken. When the responsibility for the prosecution for the higher offense lies with a different public law office there is also the risk that a well advised defendant may plead guilty to a misdemeanor to foreclose a subsequent felony prosecution the misdemeanor prosecutor may be unaware of or may choose to ignore. Cases may also arise in which the district attorney is reasonably unaware of the felonies when the misdemeanors are prosecuted. In such situations the risk that there may be waste and harassment through both a misdemeanor and felony

prosecution may be outweighed by the risk that a defendant guilty of a felony may escape proper punishment. Accordingly, in such cases section 654 does not bar a subsequent felony prosecution except to the extent that such prosecution is barred by that section's preclusion of multiple punishment."

In the present case, the misdemeanor is the violation which has the greater consequences. The felony involved, 11530 Health and Safety Code, has been diverted pursuant to Penal Code, Sections 1000 et seq. and will eventually result in a dismissal. The misdemeanor cannot be diverted and could result in the petitioner serving time in jail. Realizing this, the petitioner agreed to the diversion and then asked for the dismissal of the misdemeanor. If the petitioner had had the two cases consolidated, the felony would not have been diverted. Penal Code Section 1000(a)(3) makes it clear that Health and Safety Code Section 11530 cannot be diverted where there is evidence of a

non-divertible narcotics related violation such as Section 23105 of the Vehicle Code.

CONCLUSION

The Petition for Writ of Certiorari does not make a clear and convincing showing that there has been a violation of petitioner's rights under the Federal Constitution, nor does it show that the highest court of the State of California has decided a federal question in conflict with applicable decisions of this Court, or decided a federal question of substance not heretofore determined by this Court.

The matter should be dismissed.

Respectfully submitted,

BURT PINES,
City Attorney

WARD G. McCONNELL,
Chief of the Appellate Department

CHARLES J. FLEISHMAN,
Deputy City Attorney

Attorneys for the Real Party in Interest

IN THE MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

No. A 068 267

THE PEOPLE OF THE STATE OF CALIFORNIA, VS.	DATE POSTED	APPEARANCE DATE	AMOUNT	RECEIPT OR BOND NO.	SURETY
DI HAL BOBROW	7302208	1-24-73	3500	84325/10K	NATL
MOND SERLES	7302208	1-24-73	3500	84.36.33.0K	NATL
Defendant(s)					

1973 Complaint filed, sworn to by D HOLMES, charging defendant(s) with having committed on 17 January 1973, in the County of Los Angeles, the felony offense(s) of:

VIOL OF SEC 11530 HEALTH AND SAFETY CODE, A FELONY, COUNT I

Warrant issued and ~~given to~~ for service.

The defendant is to be admitted to bail in the sum of $

Penalty assessment to be deposited $

DIV. 9 convened at 9:25 A.M., Cause called. Judge presiding.

People represented by

Reporter Dorothy de Roza

Defendant(s) in court and represented by R. K. Fusilier

gives true name as Charged

Defendant informed of the charge against him(her) and of his(her) right to the aid of counsel in every stage of the proceedings. Preliminary examination set for 2-23-73 at 8:30 A.M., Div 9

Bail set at $ 3,500 Defendant waives time for PE

Penalty assessment to be deposited $ 50

Copy of complaint given to defendant. ~~Defendant committed.~~ Subpoena issued.

Bail up to stand as to Def't to Court

Deputy Clerk;

DIV. 9 convened at 9:45 A.M., Cause called. Judge presiding.

People represented by K A White DDA Reporter C Glasgow

Defendant(s) in court and ~~represented by~~

R Richard Fusilier

Deputy Clerk;

Pursuant to Sec 1000.1 PC Referred to Probation officer for investigation & Report, Proceedings Suspended. Defendant waives Time for Trial Diversion Hearing set 3-30-73 Div 9/Bail up & Stand

Pursuant to Stipulation Complaint ordered amended to add viol Sec 11556 Health and Safety Code, a Misdemeanor Ct II (Same date & place as alleged in Count I)

(OVER)

No. A 068267

Page -2-

People of the State of California, Plaintiff.

vs. Lauren Hal Bobrow and Laymon Series

2-13-73 <Contd from Page 1>

As to Series only

Defendant enters his Plea of guilty as to Ct II. Referred to Probation Office Contd to 8:30 Am 3-30-73 Dw 91 for Probation Hearing & Sentence. Ct II to be dismissed at time of Sent Hearing. Bail up to Stand

Helen Roberts

As to Series

Pltf by K Richard Faulkner D by A K Arbate

As to Series: Cause continued to 8:30 Am 4-12-73 for Hearing re Diversion Dft Defendant & Stipulation, Defendant waives Time Bail up to Stand. Probation Report filed

As to Defendant Bobrow's Order

Proceedings as to Bobrow

the provisions of Sec 1000.2 PC Matter ordered Diverted for a period of Six Months, under the following conditions: Defendant is: (1) To obey all laws, orders, rules and regulations of the Court and the Probation Dept. (2) To participate in a program of education, treatment or rehabilitation aimed at drug abuse as directed by the Probation Officer. (3) Not to use or possess any narcotic, dangerous or restricted drugs or associate with persons except with valid Prescription, and stay away from any place where users congregate. (4) Not to associate with persons known by him to be narcotic or drug users or sellers. (5) Pay $250 Court Costs by 5pm 4-2-73. Cause Continued to 8:30 Am 4-12-73 Dw 91 for Report and appearance

(cont'd to Page 3)

IN THE MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

ople of the State of alifornia, Plaintiff

vs. Erwin Hal Bolinger et al Defendant(s)

Date 1973

In this case DIV. 97 convened at 9 M., Cause called. Judge Leo Freund presiding. (M.C.A.)
Both parties ready. People represented by NO Reporter is ordered to take down proceedings as provided by law.
Defendant No in court and NOT represented by W Hoo Deputy Clerk

Date for for appearance and further report reset for 9-26-73 8:30 Am Div 97
Counsel & probation officer notified

APR 12 1973

C Sullivan
Deputy Sheriff is ordered to take down proceedings as provided by law.
11A 5 K Allwhite LEO FREUND
Defendant appeared by counsel and W Hoo Deputy Clerk
Sells + RK Fusilier

Pursuant to Stipulation plea of guilty as to count II set aside, and Count II Dismissed.
Pursuant to Sec 1000.2 PC Defendant waives time for Preliminary Examination for Probation Hearing, and for trial
Pursuant to Sec 1000.2 PC Cause ordered suspended for a period of Six Months under the following conditions:
Defendant is:
(1A) To obey all laws, rules, regulations of the Court and the Probation Department
(1B) To pay $100 Costs & Clerk Stay to 4-23-73
(2) To participate in a program of education treatment or rehabilitation aimed at drug abuse, as directed by the Probation Officer
(3) Not to buy or possess any Narcotics, dangerous or restricted drugs or hypodermic paraphernalia except with valid prescription and stay away from places where such are congregated

OVER

No. A068267

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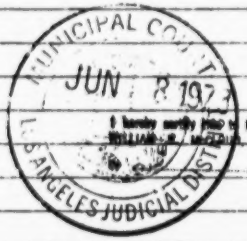
et

4-12-73 (Contd from Page 3)

(4) Not associate with persons known by him to be narcotics or drug users or sellers

Cause continued to 8:30 Am 9-
Dw 91 for further report a
Appearance.
Defendant released OR.

4-19-73 $100 Costs On Loc #974506 as to Serle



I hereby certify that to be a true and correct copy of the original Docket on file in this office,
WILLIAM A. [illegible], Clerk of Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California.
Lois E. Molnar JUN 8 1973